

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:03cr58WJG-1

ALBERT LEE MITCHELL, JR.

ORDER GRANTING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the motion [30] filed by the Federal Public Defenders Office on behalf of Defendant Albert Lee Mitchell Jr., for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008. Also pending before the Court is the amended motion [31] for sentence reduction which was filed to correct the amended guideline range.

Defendant was originally sentenced to the custody of the Bureau of Prisons for 168 months on January 15, 2004. (Ct. R., Doc. 20.) The United States filed a Rule 35 motion for sentence reduction on April 21, 2005, (Ct. R., Doc. 26), which was granted by the Court on May 6, 2005, reducing Defendant's sentence to 121 months. (Ct. R., Doc. 28.)

The Court has considered the recalculation of Defendant's sentencing as submitted by the United States Probation Office and the record in this matter, and finds that Defendant's sentence should be reduced to 97 months. Both the Federal Public Defenders Office and the United States Attorneys Office have submitted written concurrence with this calculation. It is, therefore,

ORDERED AND ADJUDGED, that the motion [31] filed by the Federal Public Defenders Office on behalf of Defendant Albert Lee Mitchell Jr., for sentence reduction be, and

is hereby, granted. It is further,

ORDERED AND ADJUDGED that Defendant's sentence be, and is hereby, reduced from 121 months to 97 months. It is further,

ORDERED AND ADJUDGED that the original motion [30] filed by the FPD on behalf of Defendant for sentence reduction, be, and is hereby denied as moot. It is further,

ORDERED AND ADJUDGED that all other terms and provisions of the original judgment, (Ct. R., Doc. 20), remain in full force and effect.

SO ORDERED AND ADJUDGED this the 24th day of September, 2008.

Walter J. Fox III
UNITED STATES SENIOR DISTRICT JUDGE